

# FINDLAY CITY COUNCIL MINUTES

## REGULAR SESSION

September 15, 2015

COUNCIL CHAMBERS

**PRESENT:** Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, Van Dyne

**ABSENT:** none

President Pro-Tem Monday opened the meeting with the Pledge of Allegiance and a moment of silent prayer.

### MINUTES:

Councilman Harrington moved to accept the September 1, 2015 Regular Session City Council meeting minutes as written. Councilman Klein seconded the motion. All were in favor. Motion carried. Filed.

### ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Nichols moved to add the following to tonight's agenda. Councilman Shindledecker seconded the motion. All were in favor. Motion carried. Filed.

#### ADD-ONS:

- Letter from City Engineer – West Park sanitary sewer project (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS**)
- Ordinance No. 2015-087 – West Park sanitary sewer project (**LEGISLATION**)

**PROCLAMATIONS:** - none.

**RECOGNITION/RETIREMENT RESOLUTIONS:** - none.

### PETITIONS:

**Zoning amendment request – 301 and 305 E Lima St**

Colin Cox would like to change the zoning to M2 Multi-Family. It currently is zoned as R-2 Single Family. Referred to City Planning Commission and Planning & Zoning Committee.

### ORAL COMMUNICATIONS:

**Stephanie Inbody – Ordinance No. 2015-071**

Ms. Inbody noted that this alley is very heavily used. She would appreciate Council's approval of closing the alley.

**Curt Mezger – Ordinance No. 2015-071**

The traffic on that alley is quite heavy and fast. There are a lot of kids that play in the alley. Many do not pay attention to the traffic. He is surprised that no one has been hit. He asked Council to keep what he just mentioned in mind when determining whether or not to close the alley.

#### Discussion:

Councilman Russel asked Mr. Mezger if he owns property adjoining the alley and asked if he plans to put physical barriers there. Mr. Mezger replied that he plans to put up a gated fence that property owners would have a key to unlock the gate. Currently, motorists cut through his yard coming from Ms. Inbody's yard. Even though the gate will stop motorists from going through their yards, pedestrians will still come through their yards. The gate will help control the amount of traffic coming through the alley.

**WRITTEN COMMUNICATIONS:** - none.

### REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

**City Income Tax Monthly Collection Report – August 2015.** Filed.

**Findlay Municipal Court Activities Report – August 2015.** Filed.

#### City Auditor Jim Staschiak – summary financial reports

A set of summary financial reports for the prior month follows including:

- Summary of Year-To-Date Information as of August 31, 2015
- Cash & Investments as of August 31, 2015
- Open Projects Report as of August 31, 2015
- Financial Snapshot for General Fund as August 31, 2015

Filed.

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for RMH Franchise Corporation, dba Applebees Neighborhood Grill & Bar, located at 2531 Tiffin Avenue, Findlay, Ohio for a D1, D2, D3, and D6 liquor permit. This requires a vote of Council.**

Gregory R. Home, Chief of Police – for RMH Franchise Corporation, dba Applebees Neighborhood Grill & Bar, located at 2531 Tiffin Avenue, Findlay, Ohio. A check of the records shows no criminal record on the following:

Mark W. Seymour  
Jeffrey Neumann

Councilman Nichols moved for no objections be filed. Seconded by Councilwoman Spence.

**Discussion:**

Councilman Russel noted that in Columbus, they use this process when wanting to voice displeasure on establishments that are frequented by their Police Department. They eventually succeeded in closing up to ten (10) businesses (carry-outs, etc). He asked if Findlay has a review process in place, or could have one, that provides information from our Police Department. He would like to see something that lists how many runs the Police Department had for a particular establishment over a certain period of time. Law Director Rasmussen replied that there is a process already in place where they do a background check on the owners and put in a search for the address to pull up any incidences there has been there.

Councilman Harrington noted that he has been to Applebees and does not believe that is one of those types of establishments that has had many runs.

Law Director Rasmussen added that the last hearing request for a liquor permit that was denied by Council was for an establishment where someone sold synthetic marijuana. We were successful in not allowing them to get their permit. He estimates there might have been a little over two hundred (200+) hearing requests. Local government has been successful in preventing establishments from getting their permits. For the most part, Findlay has been successful locally, but it is sometimes difficult for the State to uphold them. Councilman Russel has never seen a criminal activities check from the Police Department come back with any criminal activity on their record. He asked if Council would be notified if a criminal activities check came back with anything on it. Law Director Rasmussen replied that if the applicant had anything on their record, it would show up on the background check that the Police Department provides to Council. That information has been shared before. It would be part of the packet that goes to City Council.

9 Council members in favor, 1 opposed. Filed.

**Findlay Fire Department Activities Report – August 2015. Filed.**

**City Auditor Jim Staschiak – 2016 budget schedules**

It is time to begin the process of putting together the City's budget for 2016 (schedule attached). As in 2015, a two (2) year budget is being prepared. Although state statute only allows a single year of the budget to be adopted, this will provide a view of operational considerations over a longer period allowing for an additional year for consideration of proposed priorities for 2016. Using a two (2) year budget proposal brings the City closer to a best practice approach. A pre-budget meeting with Council the afternoon or evening of September 22, 2015 to review the information that is required to begin the process is requested.

If public comment is desired, more time can be provided prior to the open meeting on December 10, 2015. Public comment period is another piece needed to conform to the Government Finance Officers Association's Best Practices for Municipal Budgeting.

**Discussion:**

Council President Slough suggested the meeting be at 4:30pm as a **COMMITTEE OF THE WHOLE** meeting on September 22, 2015. Councilman Van Dyne will not be able to attend. Meeting was set for that date and time. Filed.

**City Auditor Jim Staschiak – 2016 HSA**

As part of the implementation of the high deductible component of the City's employee health plan, the Administration determines recommended dollar amounts the City will contribute financially to employees HAS accounts. After review of the health insurance plan, the recommendation has been made at the following levels:

Single Plan	\$720.00	EE + 1 Plan	\$1,800.00	Family Plan	\$1,800.00
-------------	----------	-------------	------------	-------------	------------

Ordinance No. 2015-084 was created.

**Discussion:**

Councilwoman Frische asked if these are the same numbers as last year or new. Service-Safety Director Schmelzer replied they are the same. Filed.

**Findlay Police Department Activities Report – August 2015. Filed.**

**City Planning Commission minutes – August 13, 2015; agenda –September 10, 2015. Filed.**

**City Engineer Brian Thomas – G & H Streets Sewer Separation Project #32531900**

By authorization of Ordinance No. 2013-022, bids were opened for this project on September 9, 2015. Ten (10) potential contractors submitted bids ranging from #377,805.50 to \$543,489.00. The lowest and best bid was received from Hohenbrink Excavating of Findlay, Ohio. Previously, \$30,000.00 was appropriated to the project for design and startup. At this time, an appropriation for the construction contract along with contingency and inspection is needed. The project is included in the 2015 Capital Improvements Plan. Legislation to appropriate funds is requested. Ordinance No. 2015-085 was created.

FROM: Sewer Fund	\$ 201,993.00
FROM: Stormwater Fund	\$ 201,993.00
TO: G & H Streets Sewer Separation project #32531900	\$ 403,986.00

Filed.

**City Engineer Brian Thomas – County Road 99 Waterline Project #35730600**

By authorization of Ordinance No. 2013-022, bids were opened for this project on September 9, 2015. Eight (8) potential contractors submitted bids ranging from \$373,133.00 to \$552,440.00. The lowest and best bid was received from Cash Services, LLC of Millbury, Ohio. Previously, \$10,000.00 was appropriated to the project for design and startup. At this time, an appropriation for the construction contract along with contingency and inspection is needed. Since the appropriation request is higher than the budgeted amount in the 2015 Capital Improvements Plan, this matter needs to be referred to the Appropriations Committee for discussion.

FROM: Water Fund \$ 411,896.00  
TO: County Road 99 Waterline Project #35730600 \$ 411,896.00

Ordinance No. 2015-086 was created. Referred to the Appropriations Committee. Filed.

**Public Works Superintendent Matt Stoffel – Hancock Parks Grant**

The Hancock Parks Grant is offered each year to communities within Hancock County to improve their park systems. This grant is then divided among the communities that request the available fund. These funds are at no cost to the community and do not require matching funds. In the past, funding has been requested to improve the City's parks systems and many project using these grant dollars have been completed. First priority for the grant money should be \$5,000.00 to replace and repair shelter house roofs in Riverside Park. Funding has been utilized for similar projects in the past that has worked out well. As an alternative, \$4,000.00 could be allocated for tree replacement in several City parks. Council's approval of these projects is needed in order for the City to continue in the grant process.

**Discussion:**

Councilman Harrington asked if this needs legislation. Councilman Monday replied it does not require any legislation. Council's voice vote of approval is all that is needed. Councilman Harrington then made a motion to allow the Public Works Superintendent to apply for the grant. Councilman Van Dyne seconded the motion.

Councilwoman Frische asked if Council's recommendation for how the funds will be used is needed. Service-Safety Director Schmelzer replied that the request is to pursue the funding. All were in favor. Filed.

**Board of Zoning Appeals Minutes – August 20, 2015. Filed.**

**Service-Safety Director Paul Schmelzer – Municipal Building Renovations, Project No. 319498**

Progress continues on the Municipal Building renovation. We have worked through the Design-Build process in accordance with Ohio Standards for Public Facility Construction to obtain a Guaranteed Maximum Price from ACI Const. Co., Inc. Peterman Associates of Findlay has prepared plans. The scope of work is the same as was discussed during the Capital Improvement Plan review and Committee of the Whole meetings. The project will accommodate a Magistrate Court Room, remodel of the Court space on the second floor, relocate PD Administration to the first floor, and move PD Records to the third floor. A copy of the plans is available for review upon request. Legislation to transfer funds is requested. Resolution No. 024-2015 was created.

FROM: Municipal Court Improvements #24020000-other \$ 390,000.00  
TO: Municipal Building Renovations #3194800 \$ 390,000.00

Filed.

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Hancock County Performing Arts Center, dba Marathon Center for the Performing Arts, located at 200 West Main Cross Street, Findlay, Ohio for a D1 liquor permit. This requires a vote of Council.**

Gregory R. Home, Chief of Police – for Hancock County Performing Arts Center, dba Marathon Center for the Performing Arts, located at 200 West Main Cross Street, Findlay, Ohio. A check of the records shows no criminal record on the following:

- Edward Reading
- Ann Buis
- Paul Smith
- Rodney Walton

Councilman Van Dyne moved for no objections be filed. Seconded by Councilman Harrington. 9 Council members in favor, 1 opposed. Filed.

**City Engineer Brian Thomas – West Park Sanitary Sewer (CDBG FY14) Project #35632100**

By authorization of Ordinance No. 2013-022, bids were opened for this project on September 9, 2015. Two (2) potential contractors submitted bids ranging from \$350,612.35 to \$473,962.50. The lowest and best bid was received from Helms and Sons Excavating of Findlay, Ohio. Previously, \$20,000.00 was appropriated to the project for design and startup and another \$104,000.00 of CDBG funds. At this time, an appropriation for the construction contract along with contingency and inspection is needed. The project is included in the 2015 Capital Improvements Plan. Legislation to appropriate funds is requested. Ordinance No. 2015-087 was created as an add-on.

FROM: Sewer Fund \$ 200,000.00  
TO: West Park Sanitary Sewer (CDBG FY14) Project #35632100 \$ 200,000.00

This work will meet the requirements set in the grant application. Some additional work was put out to bid that will provide sanitary sewer to the rest of the homes on the street. Further discussion will be provided at the next Appropriations Committee meeting.

**Discussion:**

Service-Safety Director Schmelzer clarified what is being done for this project. A set of construction plans have been put together to get sewer out to Elyria, Blaine, and Newell Streets. The grant requires eighteen hundred lineal feet (1,800 lf) of sanitary sewer and is giving us one hundred four thousand dollars (\$104,000.00) to do so. Two hundred thousand dollars (\$200,000.00) more is needed to be appropriated towards the project to enable the City to satisfy the grant request for the eighteen hundred feet (1,800') of sewer. As part of the bid package, more than eighteen hundred feet (1,800') of sewer is in the plans. An alternate plan was also put together. This project needs to be started, get structures ordered and to get the contractor going on this part of the project in order to receive the grant funds and complete it. He would like to further discuss with Council at the Appropriations Committee meeting whether or not it is worth additional funds on top of what is going to be appropriate here to complete the additional work that is drawn up. If Council decides it is worth spending the money on, an additional appropriation of funds and an addendum to the contract will then be requested. We know now because we bid it exactly what those costs will be and can articulate that at the Appropriations Committee meeting. It was not something he felt comfortable enough to make a recommendation on based on the dollars involved and the number of lots that are going to be served.

Councilwoman Frische asked if this will go to a Committee of the Whole meeting instead of a Water and Sewer Committee meeting. Service-Safety Director Schmelzer replied he is recommending this go to an Appropriations Committee meeting. The scope of the project (what is determined as a service area) has already been determined. There is a line we can draw on the set of plans and say we can go to here and take advantage of all the grant funds to get this portion of the project done. If we want to go beyond that, we will have to either appropriate additional funds or go back for another grant application and if we get it, then appropriate the funds.

Councilman Nichols asked if there is a need to adopt the ordinance tonight before the Appropriations Committee meeting is held. Service-Safety Director Schmelzer replied that this ordinance is for \$200,000.00 which is in line with the budgeted amount in the Capital Plan and is also in line with the eighteen hundred lineal feet (1,800 lf) that is part of the grant request. That grant request has timelines associated with it for the end of the year. He would like to proceed immediately with this portion of the project. In order to do so, he needs this ordinance to be passed as soon as possible. The project is not a massive project, but there is rock excavation involved and there is also residences that need to hook up to the sanitary sewer after it's in. There won't be a problem if Council authorizes the contract to get it going and then talk about the remainder under an addendum.

Councilman Russel asked if the connection from the residences to this line happens after the fact. Service-Safety Director Schmelzer replied that is correct. Councilman Russel then asked if the additional connect from the house to line will be discussed at the next Appropriations Committee meeting. Service-Safety Director Schmelzer replied it can be discussed if Council wants to. There is a request made to the Water and Sewer Committee who is waiting on additional information (i.e. how many homes are owner occupied). The decision whether or not to seek grant reprieve from the tap fee is independent to the decision to proceed with the project. The tap permit discussion can take place wherever Council wants. It is not related in terms of timing or appropriation. Councilman Russel then asked if it is possible that Helms & Sons would not only install the sanitary, but also do the hard tap. Service-Safety Director Schmelzer replied it is not part of the scope for this project.

Councilwoman Spence asked if there has been any feedback from any community or homeowners that do not want to move forward with the project. Service-Safety Director Schmelzer replied he has not received that kind of feedback. Filed.

**COMMITTEE REPORTS:**

The **STREETS, SIDEWALKS & PARKING COMMITTEE** to whom was referred a request to discuss Crawford Street parking and estimate support regarding the traffic and parking test.

*We recommend the plan be implemented, and further suggest a date certain, October 1, 2016 be set to conclude the test and continue the configuration only on recommendation by the Traffic Commission and support of City Council.*

Councilman Nichols moved to adopt the committee report. Councilman Harrington seconded the motion. All were in favor. Filed.

A **COMMITTEE OF THE WHOLE** meeting was held on Tuesday, September 8, 2015, to discuss Crawford Street parking. Councilman Nichols moved to adopt the committee report. Councilman Van Dyne seconded the motion. All were in favor. Filed.

The **WATER AND SEWER COMMITTEE** to whom was referred a request from the residents and business owners in the West Park area to waive sanitary sewer permit fees for the upcoming sanitary sewer project.

*We recommend waiving the impact capacity tap fees of approximately \$582.00 per request. Because of conflict of interest, we are unable to get a second or majority vote. Ordinance no. 2015-0878 was created as an add-on.*

**Discussion:**

Councilman Monday noted that there is only one (1) signature on this committee report. Councilwoman Spence has requested an opportunity to explain why.

Councilwoman Spence explained that Councilwoman Frische and herself had conflicts of interest to move forward on making a recommendation for this. They are asking Council to consider scheduling an Ad Hoc Committee meeting to discuss the matter further. Councilman Monday added that he discussed this with Law Director Rasmussen today. A vote of acceptance of this committee report will not be given. Instead, an Ad Hoc Committee consisting of himself as Chair, Councilman Shindledecker, and Councilman Klein will meet specifically for this issue only. Their recommendations will be given to Council as a committee report.

Councilman Monday: **AD HOC COMMITTEE** meeting on September 21, 2015 at 3:30pm (following the Traffic Commission meeting) in the first floor Council Office of the Municipal Building (CO).  
agenda: West Park sanitary sewer permit fees

**LEGISLATION:**

**RESOLUTIONS:**

**RESOLUTION NO. 023-2015** *(over PO amount)*

**first reading**

**adopted**

A RESOLUTION APPROVING THE EXPENDITURES MADE BY THE AUDITORS OFFICE ON THE ATTACHED LIST OF VOUCHERS WHICH EITHER EXCEED THE PURCHASE ORDER OR WERE INCURRED WITHOUT A PURCHASE ORDER EXCEEDING THE STATUTORY LIMIT OF THREE THOUSAND DOLLARS (\$3000.00) ALL IN ACCORDANCE WITH OHIO REVISED CODE 5705.41(D).

Councilman Van Dyne moved to adopt the Resolution. Seconded by Councilwoman Spence. Ayes: Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, Van Dyne. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record.

**RESOLUTION NO. 024-2015** *(Muni Bldg renovations)*

**first reading**

**adopted**

A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

Councilman Harrington moved to suspend the statutory rules and give the resolution its second and third readings. Councilman Klein seconded the motion. Ayes: Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, Van Dyne, Frische. The resolution received its second and third readings. Councilman Nichols moved to adopt the Resolution, seconded by Councilman Harrington.

**Discussion:**

Councilwoman Frische asked if this is an additional request above and beyond what is already in the project. Service-Safety Director Schmelzer replied that is correct.

Ayes: Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, Van Dyne, Frische, Harrington. The Resolution was declared adopted and is recorded in Resolution Volume XXXII, and is hereby made a part of the record.

**ORDINANCES:**

**ORDINANCE NO. 2015-071** *(Midland Ave to Garfield Ave vacation)*

**third reading**

**adopted**

AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS GARFIELD AVENUE TO MIDLAND AVENUE VACATION) IN THE CITY OF FINDLAY, OHIO.

Councilman Klein moved to adopt the Ordinance, seconded by Councilwoman Spence. Ayes: Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, Van Dyne, Frische, Harrington, Klein. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-071 and is hereby made a part of the record.

**ORDINANCE NO. 2015-072** *(Hull Ave to first alley north of Hull Ave vacation)*

**third reading**

**adopted**

AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS SCOTT AVENUE TO HULL AVENUE VACATION) IN THE CITY OF FINDLAY, OHIO.

Councilman Shindledecker moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Nichols, Niemeyer, Russel, Shindledecker, Spence, Van Dyne, Frische, Harrington, Klein, Monday. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-072 and is hereby made a part of the record.

**ORDINANCE NO. 2015-073** *(Wyandot St from Fishlock Ave to Williams St vacation)*

**third reading**

**adopted**

AN ORDINANCE VACATING A CERTAIN STREET (HEREINAFTER REFERED TO AS FISHLOCK AVENUE TO WILLIAMS STREET VACATION) IN THE CITY OF FINDLAY, OHIO.

Councilman Russel moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Niemeyer, Russel, Shindledecker, Spence, Van Dyne, Frische, Harrington, Klein, Monday, Nichols. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-073 and is hereby made a part of the record.

**ORDINANCE NO. 2015-074** *(Clinton Ct vacation)*

**third reading**

**adopted**

AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS GARFIELD AVENUE TO CLINTON COURT VACATION) IN THE CITY OF FINDLAY, OHIO.

Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Russel, Shindledecker, Spence, Van Dyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-074 and is hereby made a part of the record.

**ORDINANCE NO. 2015-075** *(115 E Pine Ave rezone)*

**third reading**

**adopted**

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 115 EAST PINE AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "C-2 GENERAL COMMERCIAL" TO "R-3 SINGLE FAMILY HIGH DENSITY".

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Shindledecker. Ayes: Shindledecker, Spence, Van Dyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-075 and is hereby made a part of the record.

**ORDINANCE NO. 2015-076** (*Performing Arts Center parking*)  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

third reading

adopted

Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman Van Dyne. Ayes: Spence, Van Dyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2015-076 and is hereby made a part of the record.

**ORDINANCE NO. 2015-078** (*mid-year review appropriation*)  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

third reading

adopted

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Klein. Ayes: Van Dyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2015-078 and is hereby made a part of the record.

**ORDINANCE NO. 2015-081** (*insurance payment on police cruiser damage*)  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

second reading

adopted

Councilwoman Spence moved to suspend the rules and give the Ordinance its third reading. Seconded by Councilman Nichols. Ayes: Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, Van Dyne. The Ordinance received its third reading. Councilman Harrington moved to adopt the Ordinance. Councilwoman Spence seconded the motion. Ayes: Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, Van Dyne, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-081 and is hereby made a part of the record.

**ORDINANCE NO. 2015-082** (*Airport Improvements AIP-25 Design Services for Runway 18/36 Rehab*)  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

second reading

adopted

Councilman Nichols moved to suspend the rules and give the Ordinance its third reading. Seconded by Councilman Russel. Ayes: Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, Van Dyne, Frische, Harrington. The Ordinance received its third reading. Councilman Nichols moved to adopt the Ordinance. Councilwoman Spence seconded the motion. Ayes: Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, Van Dyne, Frische, Harrington, Klein. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-082 and is hereby made a part of the record.

**ORDINANCE NO. 2015-083** (*Muni Court – Indigent Drivers Alcohol Treatment Fund*)  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

second reading

adopted

Councilwoman Spence moved to suspend the rules and give the Ordinance its third reading. Seconded by Councilman Harrington. Ayes: Nichols, Niemeyer, Russel, Shindledecker, Spence, Van Dyne, Frische, Harrington, Klein, Monday. The Ordinance received its third reading. Councilman Russel moved to adopt the Ordinance. Councilman Van Dyne seconded the motion.

Discussion:

Councilwoman Spence noted that this is for an unexpected cost due to an indigent defendant living outside of our area.

Ayes: Niemeyer, Russel, Shindledecker, Spence, Van Dyne, Frische, Harrington, Klein, Monday, Nichols. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-083 and is hereby made a part of the record.

**ORDINANCE NO. 2015-084** (*2016 HSA*)  
AN ORDINANCE AUTHORIZING THE AUDITOR TO MAKE PAYROLL DEDUCTIONS FOR THOSE EMPLOYEES WHO HAVE ELECTED TO ENROLL IN THE HEALTH SAVINGS ACCOUNT (HSA) PLAN AND DECLARING AN EMERGENCY.

first reading

First reading of the Ordinance.

**ORDINANCE NO. 2015-085** (*G & H Streets – sewer separation project*)  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

first reading

adopted

Councilman Russel moved to suspend the rules and give the Ordinance its second and third readings. Seconded by Councilman Klein. Ayes: Russel, Shindledecker, Spence, Van Dyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer. The Ordinance received its second and third readings. Councilman Klein moved to adopt the Ordinance. Councilman Van Dyne seconded the motion. Ayes: Shindledecker, Spence, Van Dyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-085 and is hereby made a part of the record.

**ORDINANCE NO. 2015-086** (*CR 99 waterline project*)  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

first reading

First reading of the Ordinance.



Councilman Harrington moved to suspend the rules and give the Ordinance its second and third readings. Councilman Nichols seconded the motion. Ayes: Spence, Van Dyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Shindledecker. Nays: Russel. The Ordinance received its second and third readings. Councilman Harrington moved to adopt the Ordinance. Councilman Nichols seconded the motion. Ayes: Van Dyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-087 and is hereby made a part of the record.

## **UNFINISHED BUSINESS:**

### **OLD BUSINESS:**

Councilwoman Frische likes Engineer Brian Thomas's way of writing letters (lists what is already in the project and what else is needed) and asked the Service-Safety Director if he could write his the same way. Service-Safety Director Schmelzer replied he will notify Donna Corbin who usually types up his letters. Councilwoman Frische added that it is helpful to remind Council of what is already appropriated to start a project up.

Councilwoman Frische noted that the Fire Department started providing a monthly report to Council last year. She would like to see the Police Department's monthly report provide the same information as the Fire Department's report does. Service-Safety Director Schmelzer replied that has been talked about before. He will talk to the Police Department again about formulating it.

### **NEW BUSINESS:**

Councilman Nichols thanked those who did the curb work on some of the streets in town. They go out of their way to make the work satisfying to everybody around that area. Their machine broke down Friday, but went ahead and filled up all the trenches so motorists could get in and out of their driveways, which was a nice touch. They have been very polite. He appreciates their work. They work very hard.

Councilman Nichols thanked the Street Department. About two (2) weeks ago, he turned in a pothole complaint on Lima Avenue that was along the side of the road that was about 6 to 7 inches (6-7") deep. He was out in that area yesterday and noticed they were filling it in. They are doing a nice job. Service-Safety Director Schmelzer replied that information is important to have. A contractor evaluation process is in the works that will be used as a determining factor before bids are awarded to contractors. When constituents let Councilmembers know when someone is doing a good job, it is helpful to the Administration and Engineers to know that. Over time, building up a database of information of contractors that not only come in at a low bid, but also do very satisfactory work is a priority of his. He asked Council if they would want to consider some type of legislation that would give a local contractor some type of percentage off on a bid. Councilwoman Frische asked for more information on what that would entail. Services-Safety Director Schmelzer replied that other communities have legislation that allows a contractor to bid a project, and if they are within municipal limits, they will receive a one or two percent (1% or 2%) break on the rebid. If one contractor is from out of town and the other is within one or two percent (1% or 2%), the one or two percent (1% or 2%) credit can be given to the local contractor and can be awarded based upon the lowest and best bid. Councilman Van Dyne noted that about seven (7) or eight (8) years ago, Council was provided with language from another community that they were considering but never went through with it. He feels legislation for this would be something to look into.

Councilman Harrington asked if asphalt prices will be going down seeing that oil prices have gone down dramatically in the last year. Service-Safety Director Schmelzer replied that most of the work they are seeing was bided out and that product was purchased when prices were higher. He expects to see some benefit from the prices now going into next season. They are purchasing the product now and are putting it in the bins. It will reflect that price competitively, more than likely, for next season's bidding.

Councilman Harrington asked if road salt pricing is similar to last year's prices. Last year's prices were very high. There is a lawsuit that Findlay is a part of. He asked for an update on that and what salt prices will be this winter season. Service-Safety Director Schmelzer replied salt prices are significantly better this year. Findlay is partially under the summer contract and the winter bid contract. Winter bid was a little bit better than the summer bid which is the opposite of last year. He assumes last year's prices are about forty percent (40%) higher than this year's. Findlay is getting it at a significant discount over what was paid last year. Law Director Rasmussen updated Council on the lawsuit that Councilman Harrington mentioned. They extended the time period to submit claims. We have filed but have not heard anything yet.

Councilwoman Spence received a phone call from a resident claiming that Harmon Street is a street in Findlay that is in the worst condition. She looked at it and found that a block or two of the road has huge potholes and part of the road is missing. She asked when some work might be done on it. Service-Safety Director Schmelzer replied he does not have a list with him of what streets get worked on, but will check. They are working hard to get the inventory done and get everything they can at a high service level so they can determine what it will cost within a certain amount of time to get through repaving. He cannot provide where a particular street is on the list. Councilman Russel added that in previous years, extra paving projects were done. He asked if extra paving projects will be done this year. Service-Safety Director Schmelzer replied there will not be extras paving projects this year because of timing. Contractors were set up in late spring. We have not received any notice that they are looking for more work.

Councilwoman Frische asked for an update on communications with the State on the Tiffin Avenue resurfacing project. The turn lanes are currently closed off. She asked if there have been any increases in accidents on Tiffin Avenue. She asked for timeframes on the project and asked if any requests can be given to ODOT to open the turn lanes. Service-Safety Director Schmeizer replied that he is not going to dictate what their work load will look like. That is part of their liability and their management rate under the project unless he sees something they are doing egregiously unsafe. He estimates Tiffin Avenue will be torn up for at least the next three (3) weeks.

Councilman Russel: **PLANNING & ZONING COMMITTEE** meeting on October 8, 2015 at 4:00pm in the first floor Council Office of the Municipal Building (CO).

- agenda: 1. 601 N Main St rezone  
2. 301 & 305 E Lima St rezone

Councilman Russel is on a committee at the YMCA who reports on the Riverside Pool each year. Despite their slow start due to the weather, they had a very successful year. Two (2) years ago, they started a wrist band project for children who pass their basic water safety training. The first year, one thousand (1,000) kids received bands. This year, another five hundred (500) received bands. Last year's bands were good for this year. More and more kids are receiving water safety training. Their success at Riverside Pool has opened up more programs for the fall. This year, the Frogs Swim Club started. It consisted of forty (40) kids who competed against other local pools. These are kids who aren't on swim teams, so they are not pulled in from other clubs. These kids were provided an opportunity to swim in a competitive atmosphere due to the YMCA running the Riverside Pool. The YMCA is going to run that program in the fall with forty (40) kids already signed up and ten (10) more whose parents are asking how their children can get into the program. It will provide activities to those who claim there is nothing to do in Findlay. Councilman Russel noted that the YMCA expects to be within the thirty thousand dollars (\$30,000.00) range that Council had allotted to them, but will no longer be needed this year. That thirty thousand dollars (\$30,000.00) offered them protection to be able to run at no financial burden to them in order to provide this service on behalf of the City. Thirty thousand dollars (\$30,000.00) to manage a pool was a great deal for the City. This was year six (6) of the YMCA running Riverside Pool. It is his hope they will run it for year seven (7).

Councilwoman Spence: **AD HOC COMMITTEE** meeting on September 29, 2015 at 4:00pm in the first floor Council Office of the Municipal Building (CO).

agenda: animals in the municipality

President of Council Pro-tem Monday adjourned Council at 8:30 pm.

  
\_\_\_\_\_  
CLERK OF COUNCIL

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL PRO-TEM